



COUNCIL AGENDA: 04-27-04

ITEM: 2.16(a)

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 04-20-04

Approved

Date

Council District: 5

SUBJECT: WHITE ROAD WIDENING LAND ACQUISITION – CHEN TRUST

RECOMMENDATION

Approval of an agreement in the amount of \$40,500 with the Timothy Chen Revocable Trust for the purchase of a portion of land located at 380 North White Road, together with an immediate right of entry thereon and a three-month right of entry on the adjoining portion of property, and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction.

CEQA: Negative Declaration, PP03-11-355.

BACKGROUND

The second phase of the White Road street widening project provides for the construction of street improvements between Mabury Road and McKee Road. The segment between Mabury Road and McKee Road has several sections that require full street frontage improvements. The roadway geometrics in these sections do not meet current roadway standards. The street frontage improvements include curb, gutter, sidewalk, driveway aprons, landscaping, roadway paving and striping, electroliers and surface drainage along 16 parcels fronting White Road. The private property improvements include modifications to driveways, walkways and sprinkler systems, removing and replacing of fences and landscaping and re-grading private property frontages to provide necessary conforms to the street frontage improvements. Upon completion, the road will

accommodate two lanes of traffic, a two way left turn lane, two bicycle lanes and sidewalk and parking on both sides of the street. The project includes coordination with utility companies and other agencies for utility extensions and/or relocations.

The owners of 15 of 16 parcels in the project have agreed to sell their property to the City, and Council has approved their purchase agreements. The subject property is a vacant lot, and the project requires the acquisition of 1,193 square feet of land to make the required improvements.

ANALYSIS

The project is necessary to bring the street up to current roadway standards, which will in turn improve traffic circulation, public safety and quality of life. Since this is a street improvement, the project cannot be completed without acquisition of the subject property, and the amount of property required for the project has been calculated to represent only that which is needed to complete the improvements.

City staff had established an amount of just compensation of \$36,100 in September 2003, based upon the approved appraisal and presented an offer to the owners for the full amount in November 2003. The City's initial attempts to negotiate a purchase with the owners, however, reached an impasse and as a result the City Council passed a resolution on April 6, 2004 and directed the City Attorney to file an eminent domain action to acquire the property interests. Subsequently, City Real Estate staff resolved the issues with the property owner and reached an acceptable agreement after the Resolution was approved. Based upon the increase in real estate values over the past seven months and considering the range of values for appraisals, the purchase amount of \$40,500 is within the current range of value for the portion of the property necessary to complete the street frontage improvements.

A map showing the subject property is attached as Exhibit A.

PUBLIC OUTREACH

City staff held a public meeting on the project in October 1998. The project was also discussed with the property owner when City staff presented the offer to him.

COORDINATION

Preparation of this memorandum has been coordinated with City Attorney's Office, the City Manager's Budget Office and the Departments of Transportation and Planning, Building and Code Enforcement.

COST IMPLICATIONS

The amount of \$40,500 is specified in the purchase agreement. In addition, there will be escrow and closing costs estimated at \$2,000. The total cost is anticipated to be approximately \$42,500.

BUDGET REFERENCE

Fund	Appn	Appn. Name	RC	Total Appn.	Amount for Contract	2003-04 Adopted Budget Page	Last Budget Action (Date, Ordinance No.)
429	4022	White Road: Penitencia to McKee	121406	\$1,167,000		Page 825	2/17/04, Ord. No. 27074

CEQA

Negative Declaration, PP03-11-355.

KATY ALLEN
Director, Public Works Department